

with each end payor. And plaintiffs have known since early May, when Master Esshaki first indicated that he believed that the Court wanted defendants to provide a list of topics to plaintiffs in advance of Rule 30(b)(1) depositions, that defendants strongly disagree with that ruling.

Moreover, defendants specifically requested *expedited* briefing of any objections to Master Esshaki's order during a meet and confer on June 11, 2015, as the parties were finalizing the draft of that order, *and the auto dealers and end payors agreed.*² June 18 Order at 3; *see* Exhibit 1. Thus, they have known for more than two weeks already that defendants would file objections, and that, according to the schedule to which they agreed, they would have 10 days to respond. They could have begun drafting their arguments on these issues weeks ago, just as defendants did.

Plaintiffs claim that they were surprised by defendants' filings because defendants filed more than one motion, and their briefs were lengthy,³ detailed, and supported by evidence and expert testimony (Pls.' Motion at 9). But plaintiffs knew on June 11 when the parties discussed an expedited briefing schedule that Master Esshaki's order would bind all fifty defendants in all thirty cases. They knew full well – because defendants have told them repeatedly – that not all defendants in these thirty cases have the same views, interests, or objectives. They also knew that the rulings that they were advocating would significantly limit discovery that defendants

² Defendants requested that plaintiffs consent to modify the existing schedule for appealing one of Master Esshaki's orders from 21 days to 14 days for "[a]ny party" to raise objections, and 14 days to 10 days for responses to those objections. Plaintiffs agreed to defendants' proposed briefing schedule. They did not condition their approval on the number, length, or content of the objections, or the number of "business days" that the 10-day deadline might span.

³ The end payors and auto dealers complain about the length of defendants' briefs. But the briefs complied with the Court's instructions for filings in the auto parts cases. To the extent that plaintiffs have a different understanding regarding the page limits for motions, they should seek the Court's guidance at the next hearing. Moreover, at plaintiffs' request, defendants agreed that plaintiffs' responses may be a total of 60 pages – 10 pages longer than defendants' opening briefs.

need to defend themselves in these cases. Counsel for the end payors and auto dealers are extremely experienced antitrust counsel; they should have expected that defendants would vigorously challenge those rulings.

The Court should require the end payors and auto dealers to comply with the expedited briefing schedule *to which they agreed more than two weeks ago*, deny their motion for a new, significantly longer schedule, and grant defendants' motion for an expedited hearing (No. 2:12-md-02311, ECF No. 1012) so that the Court can resolve these disputes that have now been holding up depositions for nearly six months.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2015, I caused the foregoing WIRE HARNESS DEFENDANTS' OPPOSITION TO THE AUTO DEALERS' AND END PAYORS' MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTIONS TO MODIFY THE JUNE 18 ORDER to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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